IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20934 of 2004

Between:

Dr. A.B. Narsinga Rao, S/o Late A. Seshagiri Rao,
Badge No. 304, A.P.S. Wing, Visakha Coop. Dairy, Visakhapatnam.

..... PETITIONER

AND

The Managing Director, Visakha Cooperative Dairy, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, or Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing transfer orders by Procs.No. 753-B1/2003 dt. 4-10-2004 as illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondent to continue the petitioner and also promote the petitioner to the next higher post.

Counsel for the Petitioner: MR.V.AJAYAKUMAR

Counsel for the Respondent: DR.P.B.VIJAY KUMAR

The Court made the following :

ORDER:

1. The petitioner is working as a Special Officer in the respondent-Dairy. He was issued intimation on 01-10-2004 informing that he is attaining the age of superannuation by 31-01-2005 and he will be retiring on that day. On 04-10-2004, the management of the respondent-Dairy transferred the petitioner from the post of Special Officer to the post of Special Officer Visakha Union Training Centre, Vishakapatnam.

2. The learned counsel for the petitioner drew the attention of this Court to G.O.Ms.No.379, Genl. Admn.(Ser.A) Dept., dated 29-08-1996 whereunder it was directed that no employee shall be transferred from one place to another place when he is due to retire within the period of one year. The petitioner's counsel could not place any material to show whether the said G.O is applicable to the respondent-Dairy. The transfer of the petitioner is within the Vishakapatnam city only. It is a general transfer and not a transfer by way of punishment. The petitioner therefore cannot have any grievance for his transfer from one post to another post within the city. The petitioner therefore cannot invoke the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

3. The writ petition is accordingly dismissed. No order as to costs.

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16-11-2004

vs/lsk

To

1. The Managing Director, Visakha Cooperative Dairy, Visakhapatnam.

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